HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Transfer Application No. 07 of 2006

Smt. Prachi alias Anita alias Smt. Sahiba
D/o Sri Ramveer R/o post office Bharari
Tehsil Kapkot, District Bageshwar
R/o at present C/o Shri Mohmmad Arif
Village Sadafal
P.S. Seohrara
District Bijnor .....Applicant

Versus

1. State of Uttaranchal
2. Ramveer, Sweeper
   Primary HealthCenter
   Lohakhet, Bagehswar
3. Mohammad Arif
   S/o Mohammad Haseen
   Village Sadafal
   P.S. Seohrara
   District Bijnor .....Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri T. A. Khan learned counsel for the applicant and learned A.G.A.

The petition under section 407 Cr.P.C. has been filed with the prayer to transfer the Sessions Trial No.8/2006 pending in the court of Sessions Judge, Bageshwar to any other court having the same jurisdiction.

The learned counsel for the applicant has merely contended that the life of the applicant-Smt. Prachi and her husband is in danger. The learned A.G.A. refuted the contention and stated that if the case is transferred from the district Bageshwar to any other district, the life of the witnesses would be in danger. The allegations are vague. Mere apprehension to the applicant is not sufficient to transfer the case. In these circumstances, it was submitted that the police protection may be given to the applicant and her husband while they attend the court at Bageshwar.

The learned AGA relied upon the decision in Ranjit Singh Vs. Popat Rambhaji Sonawane A.I.R. SC p/292, which is quoted below:-

> "*6. The solitary ground urged is that if the petitioner is asked to go to Pune where on his admission he has a house, his safety would be in danger. This is too nebulous a ground for transferring a case from Pune to Indore. It may be noted that all four witnesses are from Pune. But we must also take necessary precaution for assuring the safety of the petitioner when he is required to attend the court at Pune.*

In view of the foregoing discussion, I am of the view that there is no good ground to transfer the case from the Sessions Judge, Bageshwar to any other adjacent district. However, the Inspector General of Police concerned is directed to make arrangement for taking the applicant and her husband, if need be, in police protection on the date of hearing and return safely to their house. This arrangement is to be made till the trial is concluded in the court of Sessions. The applicant and her husband will bear the expenses of the security.

With these directions, the petition is disposed of finally.

(J. C. S. Rawat, J.)

Dated 17.05.2006
LSR